

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 14-19 have been amended. Claims 14-19 are pending for further examination.

Claims 14-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. (U.S. Pat. 5,355,302 “Martin”) in view of Tsevdos et al. (U.S. Pat. 5,734,719 “Tsevdos”). Applicant respectfully submits that all elements of the claimed combination are not present in the applied references, and reconsideration and withdrawal of the rejection are requested.

For example, claim 14 recites “and further wherein said jukebox device is provided with a validation checking process for checking, upon startup of the jukebox device and prior to placing the jukebox in service, that the jukebox device has been provided with a valid registration.” Neither Martin nor Tsevdos teaches or suggests “a validation checking process for checking, upon startup of the jukebox device and prior to placing the jukebox in service, that the jukebox device has been provided with a valid registration.”

According to the Office Action, “[t]he registration process and checking of registration is inherently included in Martin’s teaching of monitoring and updating of jukebox’s musical collection, and in Tsevdos’s teaching of network management.” Applicant respectfully disagrees. Nothing in Martin nor Tsevdos teaches or suggests checking the jukebox for a valid registration upon jukebox startup.

While Tsevdos does disclose “[t]he present inventive system provides for security mechanisms that require centralized database authorizations prior to the transmission of content and/or the manufacture of any of the products,” (Col. 4, lines 10-13) this is not the same as the recited claim element.

The authorization of Tsevdos is not performed upon system startup. Tsevdos teaches that authorization occurs after ordering:

FIG. 13 and its description presents a total overview of a typical preview, order, authorization, manufacture and purchase process for the average customer. The total process has been divided into component substeps identified as the Order Process (OP), the Authorization Process (AP), the Manufacturing Process (MP) and the Purchase Process (PP). The integral and alternate steps of each of the OP, AP, MP and PP processes are identified by general steps which are sequentially numbered with the lead letters a, b, c and d, respectively. These sequenced steps identify the logic flow of a typical order from the initial browsing through to the purchase.

(Col. 15, lines 3-15)

This teaching corresponds to the steps shown in Columns 17-18 (showing all ordering before any authorization).

Additionally, Tsevdos does not teach or suggest a check based on a valid jukebox registration. Tsevdos lists a number of criteria on which authorization can be based, such

as: “release date is later than today's date; a particular store's credit rating is exceeded; certain retail outlets may want to prohibit sale of certain works; a content provider's or label company's unique rules; and copyright license for a work does not exist in the country where the store is located.” (Col. 18, lines 42-48). No mention is made, here or elsewhere in Tsevdos, of a check for a valid jukebox registration.

Applicant submits that while a combination of Martin and Tsevdos might produce a system whereby songs were validated after each selection, the combination would not produce the claimed “a validation checking process for checking, upon startup of the jukebox device and prior to placing the jukebox in service, that the jukebox device has been provided with a valid registration.”

Applicant respectfully submits that dependent claims 15- 19 are allowable at least by virtue of their dependence from allowable amended independent claim 14.

Claims 15-17 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martin and Tsevdos in view of Cluts (U.S. Pat. 5,616,876 “Cluts”). For at least the reasons that claims 15-17 depend from allowable claim 14 and Cluts does not cure the deficiencies of Martin and Tsevdos with respect to claim 14, applicant submits that claims 15-17 should be allowed.

MASTRONARDII
Appl. No. 09/888,540
February 23, 2007

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Joseph S. Presta
Reg. No. 35,329

JSP:mg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100